

2. The NHL denies the allegations in the first sentence of paragraph 2. The NHL denies the allegations in the second and third sentences of paragraph 2, except admits after bargaining and reaching agreement, instituted a helmet requirement for all players in 1979 that allowed players who had refused to wear helmets prior to 1979 and who executed a waiver to continue to play without a helmet.

3. The NHL denies the allegations in paragraph 3.

4. The NHL denies the allegations in paragraph 4, except admits, in the mid-to-late 1990s, seamless glass systems were introduced by in certain arenas to provide a better viewing experience for fans, and that concern arose among the NHL and the National Hockey League Players' Association ("NHLPA") that seamless glass was less flexible than more traditional forms of shielding, leading to a resolution to require NHL Clubs to retrofit seamless glass systems to meet certain flexibility standards and later required Clubs to replace any retrofitted seamless glass systems with acrylic glass systems by the start of the 2011-12 season.

5. The NHL denies the allegations in paragraph 5, except admits plaintiff references a *Yahoo! Sports* article that purports to quote Mike Millbury.

6. The allegations in paragraph 6 that the NHL was negligent or recklessly delayed any action state legal conclusions to which no responsive pleading is required. To the extent a response is required, the NHL denies those allegations. The NHL denies the remaining allegations in paragraph 6.

**RESPONSE TO "THE NHL'S CAVALIER ATTITUDE FLIES IN THE FACE OF
SCIENTIFIC EVIDENCE"**

7. The NHL denies the allegations in paragraph 7.

8. The NHL denies the allegations in paragraph 8.

9. The NHL denies the allegations in paragraph 9.

10. The NHL denies the allegations in paragraph 10.

11. The NHL denies the allegations in paragraph 11, except admits in 1997, the NHL and the NHLPA jointly established and administered a collectively-bargained concussion program for active players.

12. The NHL admits the allegations in paragraph 12.

13. The NHL denies the allegations in paragraph 13, except admits that, as part of the collectively-bargained concussion program established and administered by the NHL and NHLPA, neuropsychological testing was instituted by the NHL and NHLPA beginning in 1997 and concussions occurring during regular-season NHL games were recorded from 1997 through 2004.

14. The NHL denies the allegations in paragraph 14.

15. The NHL denies the allegations in paragraph 15.

16. The NHL denies the allegations in paragraph 16.

17. The NHL admits the allegations in paragraph 17, except states the Fifth International Conference on Concussion in Sport was held in Berlin in 2016.

18. The NHL denies the allegations and characterizations in paragraph 18, except admits that abstracts titled “Procedures After Minor Traumatic Brain Injury mTBI in Ice Hockey to Prevent Neurological Sequelae” and “Concussion Experience: Swedish Elite Ice Hockey League” were included in the materials for the First International Conference on Concussion in Sport (Vienna 2001). The NHL refers to the abstracts for a complete and accurate statement of their contents, including their scope, methodology and any limitations.

19. The NHL denies the allegations in paragraph 19, except admits that an abstract titled “Concussion Experience: Swedish Elite Ice Hockey League” was included in the materials

for the First International Conference on Concussion in Sport (Vienna 2001). The NHL refers to the abstract for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

20. The NHL denies the allegations and characterizations in the second and third sentences of paragraph 20, except admits that experts on concussions attended International Conferences on Concussion in Sport in Vienna in 2001 and Prague in 2004 and issued summary and agreement statements thereafter. The NHL refers to those summary and agreement statements for a complete and accurate statement of their contents, including their scope, methodology and any limitations. The NHL admits the allegations in the first sentence of paragraph 20.

21. The NHL denies the allegations and characterizations in paragraph 21, except admits plaintiff references a 2006 article published in the *Journal of Athletic Training*. The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

22. The NHL denies the allegations in paragraph 22, except admits the Mayo Clinic sponsored two conferences on concussions in ice hockey, one in 2010 and one in 2013.

23. The NHL denies the allegations and characterizations in paragraph 23, except admits that Dr. Michael Stuart is a director of the Mayo Clinic Sports Medicine Center and chief medical officer for USA Hockey.

24. The NHL denies the allegations in paragraph 24.

25. The NHL denies the allegations in paragraph 25.

26. The NHL denies the allegations in paragraph 26 because it is without knowledge or information sufficient to form a belief as to the truth of those allegations, except admits that

the individuals named are retired NHL players and that certain of those individuals publicly attributed their decision to retire from NHL hockey in part due to their experience with concussions.

**RESPONSE TO “THE NHL WRONGFULLY DELAYED AND THEN DOWNPLAYED
THE CONCUSSION PROGRAM FINDINGS”**

27. The NHL denies the allegations in paragraph 27.

28. The NHL denies the allegations in paragraph 28.

29. The NHL denies the allegations and characterizations in paragraph 29, except states this paragraph appears to reference a study by Brian Benson titled “*A prospective study of concussions among National Hockey League players during regular season games: the NHL-NHLPA Concussion Program*” (“Benson Study”), which speaks for itself.

30. The NHL denies the allegations and characterizations in paragraph 30, except states this paragraph appears to reference the Benson Study, which speaks for itself.

31. The NHL denies the allegations and characterizations in paragraph 31, including each subpart, except states this paragraph appears to reference the Benson Study, which speaks for itself.

32. The NHL denies the allegations and characterizations in paragraph 32, except states this paragraph appears to reference the Benson Study, which speaks for itself.

33. The NHL denies the allegations and characterizations in paragraph 33, except states this paragraph appears to reference the Benson Study, which speaks for itself.

34. The NHL denies the allegations and characterizations in paragraph 34, except states this paragraph appears to reference the Benson Study, which speaks for itself.

35. The NHL denies the allegations and characterizations in paragraph 35, except states this paragraph appears to reference the Benson Study, which speaks for itself.

36. The NHL denies the allegations and characterizations in paragraph 36.

37. The NHL denies the allegations and characterizations in paragraph 37.

RESPONSE TO “WHILE THE NHL REFUSED TO REACT TO THE MOUNTING EVIDENCE THE NUMBER OF CONCUSSIONS CONTINUED TO GROW IN THE NHL”

38. The NHL denies the allegations and characterizations in paragraph 38, except states this paragraph appears to reference the Benson Study, which speaks for itself.

39. The NHL denies the allegations and characterizations in paragraph 39, except states this paragraph appears to reference the Benson Study, which speaks for itself.

40. The NHL denies the allegations and characterizations in paragraph 40, except states this paragraph appears to reference the Benson Study, which speaks for itself.

41. The NHL denies the allegations and characterizations in paragraph 41, except states this paragraph appears to reference the Benson Study, which speaks for itself.

42. The NHL denies the allegations and characterizations in paragraph 42, except states this paragraph appears to reference the Benson Study, which speaks for itself.

43. The NHL denies the allegations and characterizations in paragraph 43, except states this paragraph appears to reference the Benson Study, which speaks for itself.

44. The NHL denies the allegations and characterizations in paragraph 44, except states this paragraph appears to reference the Benson Study, which speaks for itself.

45. The NHL denies the allegations and characterizations in paragraph 45, except states plaintiff references an uncited 2013 article titled “Bodychecking Rules and Concussion in Elite Hockey.” The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

46. The NHL denies the allegations and characterizations in paragraph 46, except states plaintiff references an uncited 2013 article titled “Bodychecking Rules and Concussion in Elite Hockey.” The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

47. The NHL denies the allegations and characterizations in paragraph 47, except states plaintiff references an uncited 2013 article titled “Bodychecking Rules and Concussion in Elite Hockey.” The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

48. The NHL denies the allegations and characterizations in paragraph 48, except states plaintiff references an uncited 2013 article titled “Bodychecking Rules and Concussion in Elite Hockey.” The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

49. The NHL denies the allegations and characterizations in paragraph 49, except states plaintiff references an uncited 2013 article titled “Bodychecking Rules and Concussion in Elite Hockey.” The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

50. The NHL denies the allegations and characterizations in paragraph 50, except states plaintiff references an uncited 2013 article titled “Bodychecking Rules and Concussion in Elite Hockey.” The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

51. The NHL denies the allegations and characterizations in paragraph 51, except states plaintiff references an uncited 2013 article titled “Bodychecking Rules and Concussion in

Elite Hockey.” The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

52. The NHL denies the allegations and characterizations in paragraph 52, except states plaintiff references an uncited 2013 article titled “Bodychecking Rules and Concussion in Elite Hockey.” The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

53. The NHL denies the allegations and characterizations in paragraph 53, except states plaintiff references an uncited 2013 article titled “Bodychecking Rules and Concussion in Elite Hockey.” The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

54. The NHL denies the allegations and characterizations in paragraph 54, except states plaintiff references an uncited 2013 article titled “Bodychecking Rules and Concussion in Elite Hockey.” The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

RESPONSE TO “THE HEAD TRAUMA SUSTAINED CAUSES LIFE-LONG INJURIES”

55. The NHL denies the allegations in paragraph 55.

56. The NHL denies the allegations and characterizations in paragraph 56, except states plaintiff references an uncited 2013 article by Jeffrey Caron, et al. The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

57. The NHL denies the allegations and characterizations in paragraph 57, except states plaintiff references an uncited 2013 article by Jeffrey Caron, et al. The NHL refers to the

article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

58. The NHL denies the allegations and characterizations in paragraph 58, except states plaintiff references an uncited 2013 article by Jeffrey Caron, et al. The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

59. The NHL denies the allegations in paragraph 59, except admits plaintiff references a 2005 article by Kevin Guskiweicz, et al. The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

60. The NHL denies the allegations in paragraph 60, except admits plaintiff references a 2009 article by David R. Weir, et al. The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

61. The NHL denies the allegations in paragraph 61, except admits plaintiff references a 2011 article by David G. Amen, et al. The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

62. The NHL denies the allegations in paragraph 62, except admits plaintiff references a 2012 article by Everett J. Lehman, et al. The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

63. The NHL denies the allegations in paragraph 63 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein and states that

the paragraph contains only plaintiff's characterization of a purported 2014 NFL actuarial report filed in September 14, 2014, over 6 months after the filing of this lawsuit.

RESPONSE TO "JURISDICTION AND VENUE"

64. Paragraph 64 states legal conclusions to which no responsive pleading is necessary. To the extent a response is required, the NHL denies the allegations in paragraph 64.

65. Paragraph 65 states legal conclusions to which no responsive pleading is necessary. To the extent a response is required, the NHL denies the allegations in paragraph 65.

66. Paragraph 66 states legal conclusions to which no responsive pleading is necessary. To the extent a response is required, the NHL denies the allegations in paragraph 66.

RESPONSE TO "PARTIES"

RESPONSE TO "PLAINTIFF GREG ADAMS"

67. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

68. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

69. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

70. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

71. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

72. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

73. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF RICK BERRY”

74. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

75. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

76. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

77. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

78. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

79. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

80. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF RICHARD BRODEUR”

81. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

82. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

83. This claim for relief has been dismissed and, therefore, no response to the

allegations in this paragraph is required.

84. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

85. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

86. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

87. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF SHAWN CHAMBERS”

88. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

89. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

90. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

91. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

92. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

93. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

94. This claim for relief has been dismissed and, therefore, no response to the

allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF TODD ELIK”

95. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

96. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

97. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

98. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

99. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

100. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

101. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF ROBERT GORING”

102. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

103. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

104. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

105. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

106. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

107. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

108. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF MARK HARDY”

109. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

110. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

111. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

112. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

113. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

114. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

115. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF MICHAEL HARTMAN”

116. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

117. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

118. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

119. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

120. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

121. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF TODD HARVEY”

122. The NHL denies the allegations in the first sentence of paragraph 122 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein. The NHL admits the allegations in the second sentence of paragraph 122. The NHL admits the allegations in the third and fourth sentences of paragraph 122 that Todd Harvey (“Harvey”) played in the NHL portions of the 1993-94 to 2005-06 NHL regular seasons, and that he played for the teams listed during the years listed in paragraph 122.

123. The NHL admits the allegations in paragraph 123.

124. The NHL denies the allegations in paragraph 124 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein.

125. The NHL denies the allegations in paragraph 125 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein.

126. The NHL denies the allegations in paragraph 126 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein.

127. The NHL denies the allegations in paragraph 127.

RESPONSE TO “PLAINTIFF TONY HORACEK”

128. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

129. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

130. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

131. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

132. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

133. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF GARRY HOWATT”

134. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

135. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

136. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

137. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

138. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

139. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF DAVE HUTCHINSON”

140. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

141. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

142. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

143. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

144. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

145. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF JEAN FRANCOIS JOMPHE”

146. This claim for relief has been dismissed and, therefore, no response to the

allegations in this paragraph is required.

147. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

148. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

149. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

150. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

151. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF EDWARD KENNEDY”

152. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

153. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

154. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

155. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

156. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

157. This claim for relief has been dismissed and, therefore, no response to the

allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF MIKE LALOR”

158. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

159. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

160. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

161. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

162. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

163. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF DARREN LANGDON”

164. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

165. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

166. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

167. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

168. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

169. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF EMMANUEL LEGACE”

170. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

171. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

172. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

173. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

174. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF JAMIE LUNDMARK”

175. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

176. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

177. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

178. This claim for relief has been dismissed and, therefore, no response to the

allegations in this paragraph is required.

179. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF SERGIO MOMESSO”

180. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

181. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

182. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

183. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

184. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

185. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF JEFF PARKER”

186. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

187. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

188. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

189. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

190. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

191. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF STEPHEN PATRICK”

192. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

193. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

194. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

195. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

196. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF CRAIG REDMOND”

197. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

198. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

199. This claim for relief has been dismissed and, therefore, no response to the

allegations in this paragraph is required.

200. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

201. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

202. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF TERRY RUSKOWSKI”

203. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

204. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

205. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

206. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

207. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

208. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF BRIAN SAVAGE”

209. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

210. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

211. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

212. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

213. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

214. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF JEFFREY SHEVALIER”

215. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

216. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

217. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

218. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

219. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF TURNER STEVENSON”

220. This claim for relief has been dismissed and, therefore, no response to the

allegations in this paragraph is required.

221. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

222. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

223. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

224. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

225. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF GERMAN TITOV”

226. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

227. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

228. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

229. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

230. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF TODD WARRINER”

231. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

232. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

233. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

234. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

235. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

236. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “PLAINTIFF VERNON WESTFALL”

237. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

238. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

239. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

240. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

241. This claim for relief has been dismissed and, therefore, no response to the

allegations in this paragraph is required.

**RESPONSE TO “BREACH AND CAUSATION ALLEGATIONS APPLICABLE TO
PLAINTIFFS AND CLASS”**

242. The motion for class certification was denied by the Court in the MDL on July 13, 2018 and this paragraph states legal conclusions, and therefore, no responsive pleading is necessary. To the extent a response is required, the NHL denies the allegations in paragraph 242.

243. The motion for class certification was denied by the Court in the MDL on July 13, 2018 and this paragraph states legal conclusions, and therefore, no responsive pleading is necessary. To the extent a response is required, the NHL denies the allegations in paragraph 243.

244. The motion for class certification was denied by the Court in the MDL on July 13, 2018 and this paragraph states legal conclusions, and therefore, no responsive pleading is necessary. To the extent a response is required, the NHL denies the allegations in paragraph 244.

245. The motion for class certification was denied by the Court in the MDL on July 13, 2018 and this paragraph states legal conclusions, and therefore, no responsive pleading is necessary. To the extent a response is required, the NHL denies the allegations in paragraph 245.

246. The motion for class certification was denied by the Court in the MDL on July 13, 2018, and this paragraph states legal conclusions, and therefore, no responsive pleading is necessary. To the extent a response is required, the NHL denies the allegations in paragraph 246.

247. The motion for class certification was denied by the Court in the MDL on July 13,

2018, and this paragraph states legal conclusions, and therefore, no responsive pleading is necessary. To the extent a response is required, the NHL denies the allegations in paragraph 247.

248. The motion for class certification was denied by the Court in the MDL on July 13, 2018, and this paragraph states legal conclusions, and therefore, no responsive pleading is necessary. To the extent a response is required, the NHL denies the allegations in paragraph 248.

249. The motion for class certification was denied by the Court in the MDL on July 13, 2018, and this paragraph states legal conclusions, and therefore, no responsive pleading is necessary. To the extent a response is required, the NHL denies the allegations in paragraph 249.

250. The motion for class certification was denied by the Court in the MDL on July 13, 2018, and this paragraph states legal conclusions, and therefore, no responsive pleading is necessary. To the extent a response is required, the NHL denies the allegations in paragraph 250.

251. The motion for class certification was denied by the Court in the MDL on July 13, 2018, and this paragraph states legal conclusions, and therefore, no responsive pleading is necessary. To the extent a response is required, the NHL denies the allegations in paragraph 251.

252. The motion for class certification was denied by the Court in the MDL on July 13, 2018, and this paragraph states legal conclusions, and therefore, no responsive pleading is necessary. To the extent a response is required, the NHL denies the allegations in paragraph 252.

253. The motion for class certification was denied by the Court in the MDL on July 13, 2018, and this paragraph states legal conclusions, and therefore, no responsive pleading is necessary. To the extent a response is required, the NHL denies the allegations in paragraph 253.

254. The motion for class certification was denied by the Court in the MDL on July 13, 2018, and this paragraph states legal conclusions, and therefore, no responsive pleading is necessary. To the extent a response is required, the NHL denies the allegations in paragraph 254.

RESPONSE TO “DEFENDANT”

255. The NHL admits the allegations in paragraph 255.

256. Paragraph 256 states legal conclusions to which no responsive pleading is required. To the extent a response is required, the NHL denies the allegations in paragraph 256.

RESPONSE TO “THE STATUTE OF LIMITATIONS IS TOLLED”

Response to “NHL’s Duty to Plaintiffs and the Class Underscores Propriety of Equitable Tolling”

257. The allegations in the first sentence of paragraph 257 state a legal conclusion to which no responsive pleading is necessary. To the extent a response is required, the NHL denies the allegations in the first sentence of paragraph 257. The NHL further denies the remaining allegations in paragraph 257.

258. The NHL denies the allegations in paragraph 258.

259. The NHL denies the allegations in paragraph 259.

260. The NHL denies the allegations in paragraph 260.

261. The NHL denies the allegations in paragraph 261.

262. The allegations that the NHL has a “special relationship,” and “assumed [a] duty of care toward” players state legal conclusions to which no responsive pleading is necessary. To the extent a response is required, the NHL denies those allegations. The NHL further denies the remaining allegations in paragraph 262.

263. The allegation that the NHL has a “duty of care toward” players states a legal conclusion to which no responsive pleading is necessary. To the extent a response is required, the NHL denies that allegations. The NHL further denies the remaining allegations in paragraph 263.

264. The NHL denies the allegations in paragraph 264.

265. The NHL denies the allegations in paragraph 265.

266. The NHL denies the allegations in paragraph 266.

267. The NHL denies the allegations in paragraph 267.

268. The NHL denies the allegations in paragraph 268.

Response to “Plaintiffs’ Special Susceptibility to Reliance on NHL for Information”

269. The NHL denies the allegations in paragraph 269.

270. The NHL denies the allegations in paragraph 270, except it lacks knowledge or information to inform a belief as to the allegations regarding what hockey players believed or “grow up believing.”

271. The NHL denies the allegations in paragraph 271.

272. The NHL denies the allegations in paragraph 272, except admits that it has maintained certain information at different points in time about players prior to retirement.

273. The NHL denies the allegations in paragraph 273 because plaintiff fails to identify a source for his allegations, except states it lacks knowledge or information to inform a belief as

to the allegations regarding the level of education of every NHL player and admits that some NHL players did not attend college.

274. The NHL denies the allegations in paragraph 274.

275. The NHL denies the allegations in paragraph 275.

276. The NHL denies the allegations in paragraph 276.

277. The NHL denies the allegations in paragraph 277.

278. The NHL denies the allegations in paragraph 278.

279. The NHL denies the allegations in paragraph 279, except it lacks knowledge or information to inform a belief as to the allegations regarding what hockey players are “taught” in their youth.

280. The NHL denies the allegations in paragraph 280, except it lacks knowledge or information to inform a belief as to the allegations regarding what hockey players are “taught” in their youth.

281. The NHL denies the allegations in paragraph 281.

282. The NHL denies the allegations in paragraph 282, except admits that many hockey players are talented and some seek to play in the NHL.

283. The NHL denies the allegations in paragraph 283, except it lacks knowledge or information to inform a belief as to the allegations regarding the motivations of all NHL players.

284. The NHL denies the allegations in paragraph 284.

285. The NHL denies the allegations in paragraph 285.

286. The NHL denies the allegations in paragraph 286.

287. The NHL denies the allegations in paragraph 287, except admits that it has received certain injury information at different points in time.

288. The NHL denies the allegations in the first sentence of paragraph 288, except admits the NHL has a Department of Player Safety which, among other things, monitors every regular season and playoff game and assesses hits for compliance with NHL playing rules and further admits that when it is determined that a play warrants supplemental discipline, severity of an injury is one factor considered in determining the length of a suspension. The NHL denies that the allegations in the second sentence of paragraph 288, except admits that the discipline decision regarding Kyle Turris contains the statement plaintiff quotes.

289. The NHL denies the allegations in paragraph 289, except admits that when it is determined that a play warrants supplemental discipline, whether an injury occurs is one factor considered in determining the length of a suspension.

290. The NHL denies the allegations in paragraph 290.

291. The NHL denies the allegations in paragraph 291.

292. The NHL denies the allegations in paragraph 292.

293. The NHL denies the allegations in paragraph 293.

294. The NHL denies the allegations in paragraph 294.

295. The allegations that the NHL assumed duties towards players state legal conclusions to which no responsive pleading is necessary. To the extent a response is required, the NHL denies those allegations. The NHL further denies the remaining allegations in paragraph 295.

296. The NHL denies the allegations in paragraph 296.

297. The NHL denies the allegations in paragraph 297.

298. The NHL denies the allegations in paragraph 298.

299. Paragraph 299 states legal conclusions to which no responsive pleading is

necessary. To the extent a response is required, the NHL denies the allegations in paragraph 299.

RESPONSE TO “GENERAL ALLEGATIONS APPLICABLE TO ALL COUNTS”

RESPONSE TO “THE NHL’S KNOWLEDGE AND FAILURE TO WARN”

300. The NHL denies the allegations in paragraph 300.

301. The NHL denies the allegations in paragraph 301.

A. Response to “Head Injuries, Concussions, and Neurological Damage”

302. The NHL denies the allegations in paragraph 302.

303. The NHL denies the allegations in paragraph 303.

304. The NHL denies the allegations in paragraph 304 because plaintiff fails to identify a source for his citation to statements purportedly made by the American Association of Neurological Surgeons, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein.

305. The NHL denies the allegations in paragraph 305, except admits symptoms of concussion can first appear hours or days after an injury.

306. The NHL denies the allegations in paragraph 306 because plaintiff fails to identify a source for his purported reference to statements made by unidentified neurologists, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein.

307. The NHL denies the allegations in paragraph 307, except states that post-concussion syndrome is a complex disorder with various symptoms that can last for extended periods of time.

308. The NHL denies the allegations in paragraph 308.

309. The NHL denies the allegations in paragraph 309, except states that some scientists have used the term “second-impact syndrome.”

310. The NHL denies the allegations in paragraph 310.

311. The NHL denies the allegations in paragraph 311.

312. The NHL denies the allegations in paragraph 312.

313. The NHL denies the allegations in paragraph 313.

314. The NHL denies the allegations in paragraph 314.

315. The NHL denies the allegations in paragraph 315, except, on information and belief, states that Reggie Fleming died on July 11, 2009, and numerous news articles reported in December 2009 and January 2010 that BUSM purported to have identified the CTE tauopathy for the first time in a former hockey player in Reggie Fleming following his death.

316. The NHL denies the allegations in paragraph 316, except, on information and belief, states that Rick Martin died on March 13, 2011 and numerous news articles reported in October 2011 that BUSM purported to have identified the CTE tauopathy in Rick Martin.

317. The NHL denies the allegations in paragraph 317 except, on information and belief, states that Derek Boogaard died on May 13, 2011, Rick Rypien died on August 15, 2011, Wade Belak died on August 31, 2011 and Bob Probert died on July 5, 2010 (before the death of Mr. Martin). Further, on information and belief, the NHL states that numerous news articles reported that BUSM purported to have identified the CTE tauopathy only in Bob Probert—in March 2011—and Derek Boogaard—in December 2011. The NHL lacks knowledge or information sufficient to form a belief as to the truth of the causes of death or circumstances surrounding the deaths of the individuals identified in paragraph 317 and therefore denies same.

318. The NHL denies the allegations in paragraph 318.

Response to “85 year History of Medical Studies Related to Sports and Concussion”

319. The NHL denies the allegations and characterizations in paragraph 319, except admits plaintiff references a 1928 article by Harrison Martland. The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

320. The NHL denies the allegations in paragraph 320, except admits plaintiff references a 1928 article by Harrison Martland. The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

321. The NHL denies the allegations and characterizations in paragraph 321 because plaintiff fails to identify a source for his purported reference to a 1937 report made by the American Football Coaches Association, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein

322. The NHL denies the allegations and characterizations in paragraph 322 because plaintiff fails to identify a source for his purported reference to rules codified by the New York State Athletic Commission, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein.

323. The NHL denies the allegations and characterizations in paragraph 323 because plaintiff fails to identify a source for his purported reference to rules codified by the New York State Athletic Commission, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein.

324. The NHL denies the allegations and characterizations in paragraph 324, except admits plaintiff references a 1952 article in the *Journal of the American Medical Association* and a the 1952 article in *New England Journal of Medicine*. The NHL refers to those articles for a complete and accurate statement of their contents, including their scope, methodology and any

limitations.

325. The NHL denies the allegations and characterizations in paragraph 325 because plaintiff fails to identify a source for his characterization of research purportedly performed in 1962 by Drs. Sercl and Jaros, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein

326. The NHL denies the allegations and characterizations in paragraph 326, except admits plaintiff references a 1963 article by Drs. Mawdsley & Ferguson. The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

327. The NHL denies the allegations and characterizations in paragraph 327, except admits plaintiff references a 1967 paper by Drs. Hughes & Hendrix. The NHL refers to the paper for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

328. The NHL denies the allegations and characterizations in paragraph 328, except admits plaintiff references a 1969 Royal College of Physicians of London Committee on Boxing report. The NHL refers to the report for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

329. The NHL denies the allegations and characterizations in paragraph 329, except admits plaintiff references a 1969 article published in *Journal of Medicine and Science in Sports*. The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

330. The NHL denies the allegations and characterizations in paragraph 330, except admits plaintiff references a 1973 article by Drs. Corsellis, Bruton & Freeman-Browne. The

NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

331. The NHL denies the allegations and characterizations in paragraph 331 because plaintiff fails to identify a source for his characterization of a 1973 “study” performed by R.C. Schneider or his characterization of a statement made in 1984 by Dr. R.L. Sanders, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein

332. The NHL denies the allegations and characterizations in paragraph 332, except admits plaintiff references a 1975 article by Drs. Gronwall and Wrightson. The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

333. The NHL denies the allegations and characterizations in paragraph 333, except admits plaintiff references a 1982 review article published in the *Canadian Medical Association Journal*. The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

334. The NHL denies the allegations and characterizations in paragraph 334, except admits plaintiff references a 1986 article by Dr. Robert Cantu. The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

335. The NHL denies the allegations in paragraph 335.

336. The NHL denies the allegations in paragraph 336, including each subpart, except admits that articles were published on concussions between 1952 and 1994.

337. The NHL denies the allegations and characterizations in paragraph 337 because

plaintiff purports to reference only an unidentified 1998 Canadian news article, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein. The NHL further denies the truth of the allegations and characterizations set forth in the paragraph.

338. The NHL denies the allegations and characterizations in paragraph 338, except admits plaintiff references a 2000 article published in the *American Journal of Sports Medicine*. The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

339. The NHL denies the allegations and characterizations in paragraph 339 because plaintiff fails to identify a source for his purported reference to a “2000 study” of former NFL players, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein.

340. The NHL denies the allegations in paragraph 340.

341. The NHL denies the allegations and characterizations in paragraph 341, except admits plaintiff references a 2007 article by Kevin Guskiewicz, et al. The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any limitations.

342. The NHL denies the allegations in paragraph 342.

343. The NHL denies the allegations in paragraph 343 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein

344. The NHL denies the allegations in paragraph 344, except admits plaintiff references a September 2014 article by E.M. Mitsis, et al. The NHL refers to the article for a complete and accurate statement of its contents, including its scope, methodology and any

limitations.

345. The NHL denies the allegations and characterizations in paragraph 345, except admits plaintiff references a September 30, 2014 PBS Frontline article by John Katzowitz.

346. The NHL denies the allegations in paragraph 346.

347. The NHL denies the allegations in paragraph 347.

348. The NHL denies the allegations in paragraph 348.

349. The NHL denies the allegations in paragraph 349.

350. The NHL denies the allegations in paragraph 350 because plaintiff does not identify the source that contains a quotation from an unidentified author who was purportedly making a statement about Dr. Robert Cantu, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein. The NHL further denies the truth of the allegations in the quoted statement.

351. The NHL denies the allegations in paragraph 351 because plaintiff does not identify the source that contains a quotation from an unidentified author who plaintiff claims reviewed some amount of unidentified literature, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein. The NHL further denies the truth of the allegations in the quoted statement.

352. The NHL denies the allegations in paragraph 352.

353. The NHL denies the allegations in paragraph 353, except admits that it has a long history of taking concussions seriously; that the NHL spends a lot of time, money and effort working with the NHLPA on player safety; and that Gary Bettman made the quoted statements to that effect.

354. The NHL denies the allegations in paragraph 354, except admits plaintiff quotes

language from NHL Deputy Commissioner Daly's 2014 statement before the House of Representatives Committee on Energy and Commerce, Subcommittee on Commerce, regarding concussions in sports and refers to Commissioner Daly's complete testimony for its complete and accurate contents and context.

355. The NHL denies the allegations in paragraph 355, except admits plaintiff quotes language from NHL Deputy Commissioner Daly's 2014 statement before the House of Representatives Committee on Energy and Commerce, Subcommittee on Commerce, regarding concussions in sports and refers to Commissioner Daly's complete testimony for its complete and accurate contents and context.

356. The NHL denies the allegations in paragraph 356, except admits it has assisted in the development of concussion educational programs for youth and junior age hockey players.

Response to "NHL's Knowledge of the Devastating Effects of Head Trauma Documented by Violent Incidents"

357. The NHL denies the allegations in paragraph 357.

358. The NHL denies the allegations and characterizations in paragraph 358 because plaintiff references only an unidentified Canadian media outlet "story" that purportedly quotes Frank Boucher, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein. The NHL further denies the allegations and characterizations set forth in the paragraph because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein.

359. The NHL denies the first sentence of paragraph 359, except states Gordie Howe is an all-time great NHL player and a member of the Hockey Hall of Fame. The NHL denies the allegations in the second through fifth sentences of paragraph 359 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein.

The NHL denies the eighth sentence of paragraph 359. The NHL admits the allegations in the sixth sentence of paragraph 359. The NHL admits Gordie Howe's Hockey Hall of Fame biography contains the language quoted in the seventh sentence of paragraph 359.

360. The NHL denies the allegations in paragraph 360, except admits that Bill Masterson suffered a brain injury during an NHL game in 1968 and that he died two days after the incident.

361. The NHL denies the allegations and characterizations in paragraph 361, except admits plaintiff references a 1988 article in the Philadelphia Inquirer.

362. The NHL denies the allegations in the first and second sentences of paragraph 362 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein. The NHL denies the allegations in the third sentence of paragraph 362 because plaintiff does not identify the 1978 news article that purportedly quotes former NHL president John Zeigler, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein, including the quoted language.

363. The NHL denies the allegations and characterizations in paragraph 363, except admits plaintiff references two 1996 articles.

364. The NHL denies the allegations in the first and second sentences of paragraph 364 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein, except states Dennis Vaske decided to retire after a concussion in 1997. The NHL denies the allegations in the third sentence of paragraph 364 because plaintiff does not identify the source that purportedly quotes Mr. Vaske, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein.

365. The NHL denies the allegations in the first, fifth, sixth and seventh sentences of

paragraph 365 because plaintiff references only an unidentified 1998 article in “the Canadian press” concerning Nick Kypreos and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein. The NHL denies plaintiff’s characterization of the unidentified news article; denies the truth of the allegations from that news article contained in the seventh sentence of paragraph 365; and is without knowledge or information sufficient to form a belief as to the truth of the allegations from that news article contained in the fifth and sixth sentences of paragraph 365 and therefore denies same. The NHL denies the allegations in the second sentence of paragraph 365 to the extent they suggest Mr. Kypreos played exclusively in the NHL or that he played entire seasons during the years listed. The NHL denies the allegations in the third sentence of paragraph 365 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein. The NHL admits the allegations in the fourth sentence of paragraph 365.

366. The NHL denies the allegations in paragraph 366 because plaintiff does not identify the source that purportedly quotes Nick Kypreos, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein, including the quoted language, except states Mr. Kypreos decided to retire after a concussion following a fight with Ryan VandenBussche.

367. The NHL denies the allegations in the first through fourth sentences of paragraph 367 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein, except admits that Pat LaFontaine played in the NHL for parts of seasons between 1983 and 1998 and Mr. LaFontaine decided to retire after a concussion in 1998. The NHL denies the allegations in the fifth and subsequent sentences of paragraph 367 because plaintiff does not identify the source that purportedly quotes Pat LaFontaine, and the NHL is

therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein.

368. The NHL denies the allegations in the first sentence of paragraph 368. The NHL denies the allegations in the second sentence of paragraph 368 to the extent they suggest Dean Chynoweth played exclusively in the NHL or that he played entire seasons during the years listed. The NHL denies the allegations in the third and fourth sentences of paragraph 368 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein.

369. The NHL denies the allegations in the first sentence of paragraph 369 to the extent they suggest Gino Odjick played exclusively in the NHL or that he played entire seasons during the years listed. The NHL denies the allegations in the second, fourth and fifth sentences of paragraph 369 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein. The NHL denies the allegations and characterizations in the third and sixth sentences sentence of paragraph 369 because plaintiff does not identify the source or sources that purport to attribute language to Mr. Odjick, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein, including the quoted language.

370. The NHL denies the allegations in paragraph 370 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein, except admits that Steve Moore and Mark Moore are brothers who were drafted by NHL Clubs, Steve Moore played in 69 NHL games, and that Todd Bertuzzi struck Steve Moore in a 2004 NHL game.

371. The NHL denies the allegations in the first and second sentences of paragraph 371, except admits Todd Bertuzzi played in over 1,000 NHL games in his NHL career. The

NHL denies the allegations in the third sentence of paragraph because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein.

372. The NHL denies the allegations in the first sentence of paragraph 372 to the extent they suggest Keith Primeau played entire seasons or played exclusively in the NHL during the years listed. The NHL denies the allegations in the second through fifth sentences of paragraph 372 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein, except states that Mr. Primeau decided to retire after a concussion following a check from Alex Perezhogin and states, on information and belief, that and Mr. Primeau agreed in April 2009 to donate his brain to Boston University upon his death.

373. The NHL denies the allegations in paragraph 373 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein.

374. The NHL admits the allegations in paragraph 374.

375. The NHL denies the allegations in the first and fourth sentences of paragraph 375 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein, except admits on-ice officials did not penalize Matt Cooke. The NHL denies the allegations in the second sentence of paragraph 375 and refers to Commissioner Bettman's statement for its complete and accurate contents and context. The NHL denies the allegations in the third and fifth sentences of paragraph 375 because plaintiff does not identify the source or sources purporting to quote Mark Savard and an unnamed individual, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein.

376. The NHL denies the allegations in paragraph 376, except admits that Paul Kariya played in the NHL for portions of NHL seasons between 1994 and 2010, was an NHL all-star,

won the Lady Byng Trophy for the 1995-96 and 1996-97 seasons and won an Olympic silver medal in 1994 and a gold medal in 2002.

377. The NHL denies the allegations in paragraph 377 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein, except admits Kariya was injured following a collision with an opponent in a 2003 game and returned to play in that game; Mathieu Schneider was suspended for elbowing Paul Kariya in 1996, and Gary Suter was suspended for cross checking Kariya in 1998.

378. The NHL admits the allegations in the first sentence of paragraph 378. The NHL denies the allegations in the second sentence of paragraph 378 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein. The NHL denies the allegations in the third sentence of paragraph 378.

379. The NHL denies the allegations in the first sentence of paragraph 379 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein. The NHL denies the allegations in the second and subsequent sentences of paragraph 379 because plaintiff does not identify the source that purportedly quotes Paul Kariya, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein, including the quoted language and specifically denies the truth of the allegations in the final sentence of the paragraph.

380. The NHL denies the allegations in the first through third sentences of paragraph 380 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein, except admits that Eric and Brett Lindros are brothers who played in the NHL and that Eric Lindros was the NHL MVP in 1995 and a 2002 Olympic gold medal winner. The NHL denies the allegations in the fourth sentence of paragraph 380.

381. The NHL denies the allegations in the second and subsequent sentences of paragraph 381 because plaintiff does not identify the source that purportedly quotes Brett Lindros, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein, including the quoted language. The NHL admits the allegations in the first sentence of paragraph 381.

382. The NHL denies the allegations in paragraph 382 because plaintiff does not identify the Canadian news source that purportedly quotes Brett Lindros, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein, including the quoted language.

383. The NHL denies the allegations in paragraph 383.

384. The NHL denies the allegations and characterizations in paragraph 384, which contains plaintiff's reference to a news article purporting to quote portions of a statement Commissioner Bettman made in 2012.

**RESPONSE TO "THE NHL HAS PROMOTED UNNECESSARY BRUTALITY AND
VIOLENCE TO BECOME A DOMINANT ELEMENT OF THE GAME AS PLAYED IN
THE LEAGUE"**

A. Response to "NHL Hockey Has Created and Fostered an Unnecessarily Violent Sport"

385. The NHL denies the allegations in the first sentence of paragraph 385. The NHL denies the allegations in the second and third sentences of paragraph 385 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein.

386. The NHL denies the allegations in paragraph 386 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein.

387. The NHL denies the allegations in paragraph 387 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein.

388. The NHL denies the allegations in paragraph 388 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein.

389. The NHL denies the allegations in paragraph 389.

390. The NHL denies the allegations in the first sentence of paragraph 390. The NHL denies the allegations in the second sentence of paragraph 390 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein, except states the Philadelphia Flyers' franchise was founded in 1967.

391. The NHL denies the allegations in paragraph 391, except, on information and belief, states that two members of Ontario's provincial government asked Mr. McMurty to investigate "violence" occurring in an Ontario Hockey Association Juniors game and Mr. McMurty interviewed some NHL players in creating his report. The NHL denies the allegations and characterizations in the third sentence of paragraph 391.

392. The NHL denies the allegations in paragraph 392 because plaintiff references an unidentified source that purports to quote Bobby Hull, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein. The NHL further denies the truth of the allegations and characterizations set forth in the paragraph.

393. The NHL denies the allegations in paragraph 393.

394. The NHL denies the allegations in paragraph 394 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein, except admits Dino Ciccarelli was suspended following a stick swinging incident involving Luke Richardson in 1988.

395. The NHL denies the allegations in paragraph 395, except admits Marty McSorley was charged and sentenced to probation after striking Donald Brashear with his stick during an NHL game in 2000 and that Brashear suffered a concussion as a result of the incident.

396. The NHL denies the allegations in paragraph 396 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein, except admits that Todd Bertuzzi struck Steve Moore in a 2004 NHL game, pled guilty to assault charges and, on information and belief, states that Mr. Bertuzzi and Mr. Moore reached a private settlement regarding the matter.

397. The NHL denies the allegations in paragraph 397, except admits Mario Lemieux made the quoted statement in a letter.

RESPONSE TO “THE NHL CAPITALIZED ON VIOLENCE WHILE DOWNPLAYING RISKS”

398. The NHL denies the allegations in paragraph 398.

399. The NHL denies the allegations and characterizations in paragraph 399, except admits plaintiff references a statement purportedly made by former NHL President Clarence Campbell in Bill McMurty’s 1974 report. The NHL further denies that the quoted language in paragraph 399 supports plaintiff’s characterization of that language.

400. The NHL denies the allegations and characterizations in paragraph 400, except admits plaintiff references a purported conversation between former NHL President Clarence Campbell and Mr. McMurty contained in McMurty’s 1974 report.

401. The NHL denies the allegations in paragraph 401 because plaintiff does not identify the 1988 Miami Herald article that purportedly quotes former NHL President John Ziegler, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein, including the quoted language.

402. The NHL denies the allegations in paragraph 402 because plaintiff does not identify the 1989 Wall Street Journal article that purportedly quotes former NHL President John Ziegler, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein, including the quoted language.

403. The NHL denies the allegations and characterizations in paragraph 403, which contains plaintiff's reference to a news article purporting to quote portions of a statement Commissioner Bettman made at a 2007 press conference.

404. The NHL denies the allegations and characterizations in paragraph 404, which contains plaintiff's reference to a news article purporting to quote portions of a statement Commissioner Bettman made in 2011.

405. The NHL denies the allegations and characterizations in paragraph 405, which contains plaintiff's reference to a news article purporting to quote portions of a statement Commissioner Bettman made in 2013.

406. The NHL denies the allegations in paragraph 406.

407. The NHL denies the allegations in paragraph 407.

408. The NHL denies the allegations in paragraph 408.

409. The NHL admits that at certain times, the NHL Network has produced the weekly program referenced in paragraph 409.

410. The NHL denies the allegations in paragraph 410 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein.

411. The NHL denies the allegations in paragraph 411.

412. The NHL denies the allegations in paragraph 412, except admits that the NHL and NHLPA jointly license Electronic Arts to develop and publish videogames, including NHL 14,

bearing the NHL and Club logos and certain player likenesses and states, on information and belief, that these video games portray all aspects of NHL hockey as currently played as realistically as advances in video game technology allow and that EA marketed and promoted NHL 14 and the marketing materials speak for themselves.

413. The NHL denies the allegations in paragraph 413 because plaintiff references an article from the “Canadian Press” that purportedly quotes Sean Ramjagsingh, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein

414. The NHL denies the allegations in the first sentence of paragraph 414. The NHL admits the second sentence of paragraph 414 quotes language from NHL Deputy Commissioner Daly’s 2014 statement before the House of Representatives Committee on Energy and Commerce, Subcommittee on Commerce, regarding concussions in sports and refers the Court to Commissioner Daly’s complete testimony for its complete and accurate contents and context.

415. The NHL denies the allegations in paragraph 415, except states that it maintains documents in the ordinary course of business that specify annual revenue and attendance figures and those documents speak for themselves.

Response to “Despite Its Knowledge the NHL Downplayed the Risks of Head Trauma”

416. The NHL denies the allegations in paragraph 416.

417. The NHL denies the allegations in paragraph 417.

418. The NHL denies the allegations in paragraph 418.

419. The NHL denies the allegations in paragraph 419 because plaintiff does not identify the Canadian media outlet that purportedly quotes former NHL President Ziegler, and

the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein, including the quoted language.

420. The NHL denies the allegations and characterizations in paragraph 420, which contains plaintiff's reference to a news article purporting to quote portions of a statement Commissioner Bettman made at a 2007 press conference.

421. The NHL denies the allegations and characterizations in paragraph 421, which contains plaintiff's reference to a news article purporting to quote portions of a statement Commissioner Bettman made in 2011.

RESPONSE TO "WHILE PROMOTING A CULTURE OF VIOLENCE BY WHICH IT PROFITS AND DOWNPLAYING RISKS, THE NHL VOLUNTARILY UNDERTOOK A DUTY OF CARE TO ITS PLAYERS"

422. The NHL denies the allegations in paragraph 422.

423. The NHL denies the allegations in paragraph 423.

424. The NHL denies the allegations in paragraph 424.

425. The NHL denies the allegations in paragraph 425.

426. The NHL denies the allegations in paragraph 426.

427. The NHL denies the allegations in paragraph 427.

428. The NHL denies the allegations in paragraph 428.

429. The NHL denies the allegations in paragraph 429.

430. The NHL denies the allegations in paragraph 430, including each subpart.

431. The allegation in the first sentence that the NHL assumed a duty states a legal conclusion to which no responsive pleading is necessary. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in the first sentence of paragraph 431 and the allegations in the second sentence of paragraph 431. The NHL admits

that the third sentence of paragraph 431 quotes portions of Deputy Commissioner Daly's response to the filing of the present lawsuit against the NHL and refers to Deputy Commissioner Daly's statement for its complete and accurate contents and context. The NHL further denies that the portion of Deputy Commissioner Daly's statement in the third sentence of paragraph 431 relates to the allegations in the first and second sentences of the paragraph.

432. The NHL denies the allegations in paragraph 432 because plaintiff does not identify the source that purportedly quotes David Poile, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein

433. The NHL denies the allegations in paragraph 433.

434. The NHL denies the allegations in paragraph 434 because plaintiff does not identify the source that purportedly quotes Colin Campbell, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein. The NHL further denies that the language plaintiff purports to quote from Colin Campbell in the second sentence of the paragraph relates to the allegations in the first sentence of the paragraph.

435. The NHL denies the allegations in the first sentence of paragraph 435. The NHL denies the allegations in the second sentence of paragraph 435 because plaintiff does not identify a source, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations in that sentence. The NHL admits that NHL players may be subject to fines and suspensions for illegal hits through the collectively-bargained supplemental discipline process.

436. The NHL denies the allegations in paragraph 436.

437. The NHL denies the allegations in paragraph 437. The NHL further denies the allegations in the portion of paragraph 437 concerning Dr. Karen Johnston because plaintiff

references an unidentified source that purportedly quotes Dr. Karen Johnston, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein. The NHL further denies the truth of the allegations and characterizations set forth in the portion of paragraph 437 concerning Dr. Johnston.

438. The NHL denies the allegations in paragraph 438.

439. The NHL denies the allegations in paragraph 439.

440. The NHL denies the allegations in paragraph 440.

441. The allegation in paragraph 441 that the NHL assumed a duty states a legal conclusion to which no responsive pleading is necessary. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 441.

442. The allegation in paragraph 442 that the NHL assumed a duty states a legal conclusion to which no responsive pleading is necessary. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 442.

RESPONSE TO “INSTEAD OF PROTECTING ITS PLAYERS, THE NHL SAT ON THE BENCH FOR ANOTHER 14 YEARS WHILE THE EVIDENCE KEPT MOUNTING”

A. Response the “The Concussion Program Report Produced Nothing Until 2011”

443. The allegation in paragraph 443 that the NHL had a duty states a legal conclusion to which no responsive pleading is necessary. To the extent a response is required, the NHL denies this allegation. The NHL denies the remaining allegations in paragraph 443.

444. The NHL denies the allegations in paragraph 444.

445. The NHL denies the allegations in paragraph 445 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein.

446. The NHL denies the allegations in paragraph 446.

447. The NHL denies the allegations in paragraph 447.

448. The NHL denies the allegations in paragraph 448

449. The NHL denies the allegations in paragraph 449.

Response to “Between 1997 and 2011, the Concussion Just Kept Coming”

450. The NHL denies the allegations in paragraph 450.

451. The NHL denies the allegations in paragraph 451.

452. The NHL denies the allegations in paragraph 452.

453. The NHL denies the allegations in paragraph 453.

454. The NHL denies the allegations in paragraph 454.

455. The NHL denies the allegations in paragraph 455.

456. The NHL denies the allegations in paragraph 456.

**RESPONSE TO “NHL PLAYERS STILL FACE A RISK OF HEAD TRAUMA AND
DEVASTATING LONG-TERM EFFECTS”**

**A. Response to “The NHL Has Insufficiently and Ineffectively Protected Its
Players”**

457. The NHL denies the allegations in paragraph 457, except states the concussion protocol was changed in March 2011, and the content of that protocol speaks for itself.

458. The NHL denies the allegations in paragraph 458, except states the Department of Player Safety was created in 2011.

459. The NHL denies the allegations in paragraph 459, except states the concussion protocol was changed in July 2013, and the content of that protocol speaks for itself.

460. The NHL denies the allegations in paragraph 460.

461. The NHL denies the allegations in paragraph 461.

Response to “The NHL Still Promotes Fighting and Violence”

462. The NHL denies the allegations in paragraph 462.

463. The NHL denies the allegations in paragraph 463, except states Max Pacioretty suffered a concussion in March 2011.

464. The NHL denies the allegations in paragraph 464, except admits the Geoff Molson made the quoted statement in an open letter to Montreal Canadiens fans.

465. The NHL denies the allegations and characterizations in paragraph 465, which contains plaintiff's reference to a news article purporting to quote portions of a statement Commissioner Bettman made in 2011 regarding an injury to Max Pacioretty.

466. The NHL denies the allegations and characterizations in paragraph 465, which contains plaintiff's reference to a news article purporting to quote portions of a statement Commissioner Bettman made in 2011 regarding an injury to Max Pacioretty.

467. The NHL denies the allegations in paragraph 467.

RESPONSE TO "CLASS ACTION ALLEGATIONS"

468. The motion for class certification was denied by the Court in the MDL on July 13, 2018, and this paragraph states legal conclusions, and therefore, no responsive pleading is necessary. To the extent a response is required, the NHL admits the allegations in paragraph 468.

469. The motion for class certification was denied by the Court in the MDL on July 13, 2018, and this paragraph states legal conclusions, and therefore, no responsive pleading is necessary. To the extent a response is required, the NHL admits the allegations in paragraph 469.

470. The motion for class certification was denied by the Court in the MDL on July 13, 2018, and this paragraph states legal conclusions, and therefore, no responsive pleading is

necessary. To the extent a response is required, the NHL admits the allegations in paragraph 470.

471. The motion for class certification was denied by the Court in the MDL on July 13, 2018, and this paragraph states legal conclusions, and therefore, no responsive pleading is necessary. To the extent a response is required, the NHL admits the allegations in paragraph 471.

472. The motion for class certification was denied by the Court in the MDL on July 13, 2018, and this paragraph states legal conclusions, and therefore, no responsive pleading is necessary. To the extent a response is required, the NHL admits the allegations in paragraph 472.

473. The motion for class certification was denied by the Court in the MDL on July 13, 2018, and this paragraph states legal conclusions, and therefore, no responsive pleading is necessary. To the extent a response is required, the NHL admits the allegations in paragraph 473.

474. The motion for class certification was denied by the Court in the MDL on July 13, 2018, and this paragraph states legal conclusions, and therefore, no responsive pleading is necessary. To the extent a response is required, the NHL admits the allegations in paragraph 474.

475. The motion for class certification was denied by the Court in the MDL on July 13, 2018, and this paragraph states legal conclusions, and therefore, no responsive pleading is necessary. To the extent a response is required, the NHL admits the allegations in paragraph 475.

476. The motion for class certification was denied by the Court in the MDL on July 13,

2018, and this paragraph states legal conclusions, and therefore, no responsive pleading is necessary. To the extent a response is required, the NHL admits the allegations in paragraph 476.

477. The motion for class certification was denied by the Court in the MDL on July 13, 2018, and this paragraph states legal conclusions, and therefore, no responsive pleading is necessary. To the extent a response is required, the NHL admits the allegations in paragraph 477.

478. The motion for class certification was denied by the Court in the MDL on July 13, 2018, and this paragraph states legal conclusions, and therefore, no responsive pleading is necessary. To the extent a response is required, the NHL admits the allegations in paragraph 478.

479. The motion for class certification was denied by the Court in the MDL on July 13, 2018, and this paragraph states legal conclusions, and therefore, no responsive pleading is necessary. To the extent a response is required, the NHL admits the allegations in paragraph 479.

RESPONSE TO “COUNT I – ACTION FOR DECLARATORY RELIEF - LIABILITY”

480. The NHL restates and incorporates by reference each of the preceding paragraphs of this Answer.

481. Paragraph 481 states legal conclusions to which no responsive pleading is necessary. To the extent a response is required, the NHL denies the allegations in paragraph 481.

482. The NHL denies the allegations in paragraph 482, including each subpart.

483. The NHL denies the allegations in paragraph 483.

RESPONSE TO “COUNT II – MEDICAL MONITORING”

484. The NHL restates and incorporates by reference each of the preceding paragraphs of this Answer.

485. The NHL denies the allegations in paragraph 485.

486. The NHL denies the allegations in paragraph 486.

487. The NHL denies the allegations in paragraph 487.

488. The NHL denies the allegations in paragraph 488.

489. The allegations that defendants fraudulently concealed, omitted and negligently misrepresented facts, causing plaintiff’s alleged injuries state legal conclusions to which no responsive pleading is necessary. To the extent a response is required, the NHL denies those allegations. The NHL denies the remaining allegations in paragraph 489.

490. The allegations that defendants acted negligently or fraudulently or breached a duty state legal conclusions to which no responsive pleading is necessary. To the extent a response is required, the NHL denies those allegations. The NHL denies the remaining allegations in paragraph 490.

491. The NHL denies the allegations in paragraph 491.

492. The NHL denies the allegations in paragraph 492.

493. The NHL denies the allegations in paragraph 493.

494. The NHL denies the allegations in paragraph 494.

495. The allegations in the second and third sentences of paragraph 495 that the NHL “failed to warn” players and breached a duty state a legal conclusion to which no responsive pleading is necessary. To the extent a response is required, the NHL denies these allegations. The NHL denies the remaining allegations in paragraph 495.

496. The allegations in paragraph 496 that the NHL’s conduct was the “proximate

result” of plaintiff’s alleged injuries states a legal conclusion to which no responsive pleading is required. To the extent a response is required, the NHL denies these allegations. The NHL denies the remaining allegations in paragraph 496.

497. The NHL denies the allegations in paragraph 497.

498. The NHL admits that plaintiff and the class seek the creation and funding of a Court-supervised, NHL-funded medical monitoring regime. The NHL denies that plaintiff and the class are entitled to any such relief, and denies the remaining allegations in paragraph 498.

499. The NHL denies the allegations in paragraph 499.

500. The NHL admits that plaintiff and the class seek relief, but denies that the plaintiff and the class are entitled to any relief, and denies the remaining allegations in paragraph 500.

RESPONSE TO “COUNT III - NEGLIGENCE”

501. The NHL restates and incorporates by reference each of the preceding paragraphs of this Answer.

502. The allegation in paragraph 502 that the NHL had a duty states a legal conclusion to which no responsive pleading is necessary. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 502.

503. The allegation in paragraph 503 that the NHL had a duty states a legal conclusion to which no responsive pleading is necessary. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 503.

504. The allegation in paragraph 504 that the NHL had a duty states a legal conclusion to which no responsive pleading is necessary. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 504.

505. The allegation in the first sentence of paragraph 505 that the NHL “breached” its duty states a legal conclusion to which no responsive pleading is required. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 505, including each subpart.

506. The allegation in paragraph 506 that the NHL breached its duty states a legal conclusion to which no responsive pleading is required. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 506.

507. The allegation in paragraph 507 that the NHL’s conduct “proximately caused” plaintiff’s alleged injuries states a legal conclusion to which no responsive pleading is required. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 507.

508. The allegations in paragraph 508 that the NHL was negligent state a legal conclusion to which no responsive pleading is required. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 508.

RESPONSE TO “COUNT IV – NEGLIGENT MISREPRESENTATION BY OMISSION”

509. The NHL restates and incorporates by reference each of the preceding paragraphs of this Answer.

510. The allegation in paragraph 510 that the NHL breached a duty states a legal conclusion to which no responsive pleading is required. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 510.

511. The allegation in paragraph 511 that the NHL “negligently omitted” information states a legal conclusion to which no responsive pleading is required. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in

paragraph 511.

512. The NHL denies the allegations in paragraph 512.

513. The allegation in paragraph 513 that plaintiff “justifiably relied” on the NHL states a legal conclusion to which no responsive pleading is required. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 513.

514. The allegations in paragraph 514 that plaintiff’s reliance on the NHL was “reasonable” and that the NHL made “negligent misrepresentations” state legal conclusions to which no responsive pleading is required. To the extent a response is required, the NHL denies those allegation. The NHL denies the remaining allegations in paragraph 514.

515. The NHL denies the allegations in paragraph 515.

516. The allegation in paragraph 516 that the NHL “negligently” omitted information states a legal conclusion to which no responsive pleading is required. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 516.

517. The allegation in paragraph 517 that the plaintiff’s alleged injuries were a “direct and proximate result” of “negligent misrepresentation by omission” by the NHL states a legal conclusion to which no responsive pleading is required. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 517.

518. The NHL denies the allegations in paragraph 518.

RESPONSE TO “COUNT V – FRAUDULENT CONCEALMENT”

519. The NHL restates and incorporates by reference each of the preceding paragraphs of this Answer.

520. The allegation in paragraph 520 that the NHL “fraudulently concealed” information states a legal conclusion to which no responsive pleading is necessary. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 520.

521. The NHL denies the allegations in paragraph 521.

522. The allegation in paragraph 522 that plaintiff “reasonably relied” on the NHL states a legal conclusion to which no responsive pleading is necessary. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 522.

523. The NHL denies the allegations in paragraph 523.

524. The NHL denies the allegations in paragraph 524.

525. The allegation in paragraph 525 that the plaintiff’s alleged injuries were a “direct and proximate result” of “fraudulent concealment” by the NHL states a legal conclusion to which no responsive pleading is required. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 525.

526. The NHL denies the allegations in paragraph 526.

RESPONSE TO “COUNT VI – FRAUD BY OMISSION / FAILURE TO WARN”

527. The NHL restates and incorporates by reference each of the preceding paragraphs of this Answer.

528. The allegation in paragraph 528 that the NHL had a duty states a legal conclusion to which no responsive pleading it necessary. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 528.

529. The allegations in paragraph 529 that the NHL breached a duty or acted

fraudulently state legal conclusions to which no responsive pleading is required. To the extent a response is required, the NHL denies those allegations. The NHL denies the remaining allegations in paragraph 529.

530. The NHL denies the allegations in paragraph 530.

531. The allegation in paragraph 531 that plaintiff “justifiably relied” on the NHL states a legal conclusion to which no responsive pleading is required. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 531.

532. The allegation in paragraph 532 that plaintiff “reasonably relied” on the NHL states a legal conclusion to which no responsive pleading is necessary. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 532.

533. The NHL denies the allegations in paragraph 533.

534. The allegation in paragraph 534 that the plaintiff’s alleged injuries were a “direct and proximate result” of “fraudulent concealment” by the NHL states a legal conclusion to which no responsive pleading is required. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 534.

535. The NHL denies the allegations in paragraph 535.

The NHL admits that plaintiff is entitled to a jury trial.

RESPONSE TO “PRAYER FOR RELIEF”

Responding to the unnumbered WHEREFORE paragraph following paragraph 535, the NHL denies that it is liable to plaintiff for damages or any other relief prayed for in the Complaint.

RESPONSE TO “DEMAND FOR JURY TRIAL”

The NHL admits plaintiff is entitled to a jury trial.

PREAMBLE TO AFFIRMATIVE AND OTHER DEFENSES

The NHL reserves the right to rely upon any of the following or additional defenses to claims asserted by plaintiff to the extent that such defenses are supported by information developed through discovery or evidence at trial and thus reserves the right to amend its Answer and Defenses. By asserting the following affirmative defenses, the NHL does not allege or admit it has the burden of proof or the burden of persuasion with respect to any of these matters:

FIRST DEFENSE

Plaintiff may have failed to state a claim upon which relief can be granted.

SECOND DEFENSE

Plaintiff's claims are preempted, in whole or in part, under federal labor law and/or are required to be submitted to arbitration or for failure to exhaust his remedies under applicable collective bargaining agreements governing the terms and conditions of his employment as an NHL Player.

THIRD DEFENSE

Plaintiff's claims may be barred, in whole or in part, by the exclusive remedy provisions of various states' applicable Workers' Compensation statutes.

FOURTH DEFENSE

Plaintiff's claims may be barred, in whole or in part, because to the extent plaintiff seeks to impose tort liability on defendants in connection with defendants' promotion and marketing of

the game of hockey, such conduct is protected speech under the First Amendment to the United States Constitution, thereby precluding tort liability.

FIFTH DEFENSE

Plaintiff's claims may be barred by the applicable statutes of limitations and/or repose.

SIXTH DEFENSE

Plaintiff has not sustained any injury or damages compensable by law.

SEVENTH DEFENSE

Plaintiff's claims may be barred, in whole or part, from recovery due to his contributory and/or comparative negligence.

EIGHTH DEFENSE

Plaintiff's claims may be barred, in whole or in part, from recovery due to his assumption of the risk.

NINTH DEFENSE

Any injury or damage sustained by plaintiff was caused, in whole or in part, by plaintiff's own lack of due care and fault, and/or by pre-existing conditions; and/or the lack of due care or fault of others for whom the NHL has no responsibility or control.

TENTH DEFENSE

Plaintiff's claims may be barred because plaintiff's injuries were actually or proximately caused, in whole or in part, by the intervening or superseding conduct of independent third parties and non-parties to this action or events that were extraordinary under the circumstances,

not foreseeable in the normal course of events, or independent of or far removed from the NHL's conduct or control.

ELEVENTH DEFENSE

Plaintiff's claims may be barred, in whole or in part, because plaintiff did not rely to his detriment upon any statement or alleged omission by the NHL in electing to play hockey.

TWELFTH DEFENSE

Plaintiff's claims may be barred, in whole or in part, from recovery because he has made statements or taken actions that estop them from asserting his claims or constitute a waiver of his claims.

THIRTEENTH DEFENSE

An award of punitive damages against the NHL would amount to the deprivation of property without due process of law in violation of the Fifth and Fourteenth Amendments of the United States Constitution, the Eighth Amendment of the United States Constitution, and in violation of the constitutions of the various states that govern the claims in plaintiff's Complaint. The criteria for determining whether and what amount of punitive damages may be awarded are impermissibly vague, imprecise, and inconsistent, and for these and other reasons tend to promote the award of excessive damages verdicts, and are therefore not in accord with, and are antagonistic to, the protections of due process and the other aforementioned constitutional provisions.

FOURTEENTH DEFENSE

Plaintiff may have failed to mitigate his damages.

FIFTEENTH DEFENSE

To the extent plaintiff has settled some or all of his claims, if any, against other parties, or potential alleged joint tortfeasors, the NHL is entitled a credit in the amount of said settlement(s) and/or the amount of the settling parties' allocated percentage of fault.

SIXTEENTH DEFENSE

Plaintiff may be barred, in whole or in part, from recovery, on the ground that he is subject to the defense of accord and satisfaction.

SEVENTEENTH DEFENSE

Plaintiff's damages, if any, may be barred, limited, or offset in the amount of any reimbursement received by plaintiff as a result of any workers compensation proceeding, insurance or other health benefits plan, or any amounts paid by any insurance or other health benefits plan.

EIGHTEENTH DEFENSE

Plaintiff's claims may be barred because of plaintiff's failure to join necessary and indispensable parties.

NINETEENTH DEFENSE

Any fraud-based claims are barred for failure to plead them with the particularity required under Rule 9(b) of the Federal Rules of Civil Procedure.

TWENTIETH DEFENSE

Plaintiff's claims may be barred because the NHL, as an unincorporated association of its Member Clubs, is not a proper entity to assert tort claims against based on applicable state law.

TWENTY-FIRST DEFENSE

Plaintiff's claims may be barred, in whole or in part, from recovery, due to spoliation of evidence.

TWENTY-SECOND DEFENSE

Plaintiff may be barred, in whole or in part, from recovery by the doctrine of laches.

JURY TRIAL DEMANDED

The NHL hereby demands a trial by jury on all issues so triable.

Dated: June 28, 2019

Respectfully submitted,

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